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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

WEST LINN-WILSONVILLE SCHOOL DISTRICT 3JT, a political subdivision of the State of Oregon,

Plaintiff,

v.

THE CITY OF WEST LINN, OREGON, a municipal entity,

Defendant.

Case No. 22CV06982

ORDER DENYING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

This matter came before the Court on November 10, 2022, on Defendant’s Motion for Summary Judgment regarding plaintiff West Linn-Wilsonville School District 3JT’s (the “Plaintiff”) three claims for relief. The Court heard oral argument on March 8, 2023. Chris K. Dolan appeared on behalf of defendant, The City of West Linn, and Jacob A. Zahniser appeared on behalf of Plaintiff. After considering the parties’ briefing and oral argument, the declarations and evidence submitted by the parties, and the pleadings, records, and files in the case, and the Court being fully advised, the Court finds that questions of material fact exist for the fact finder to decide, based upon the full evidentiary record to be established at trial, and therefore denies Defendant’s Motion for Summary Judgment.

3/21/2023 2:43:10 PM



Judge Robert T. Manicke

1 Submitted by:
MILLER NASH LLP
2 Jacob A. Zahniser, OSB No. 085210
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CERTIFICATE OF READINESS
(UTCR 5.100)

This proposed order or judgment is ready for judicial signature because:

1. Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
2. Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation or approval sent to me.
3. I have served a copy of this order or judgment on all parties entitled to service and:
- X a. No objection has been served on me.
- b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
- c. After conferring about objections (opposing party) agreed to independently file any remaining objection.
4. The relief sought is against an opposing party who has been found in default.
5. An order of default is being requested with this proposed judgment
6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule or otherwise.
7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

DATED: March 17, 2023

MILLER NASH LLP

/s/ Jacob A. Zahniser

Jacob A. Zahniser, OSB No. 085210

CERTIFICATE OF SERVICE

I hereby certify that I served the Order Denying Defendant’s Motion for Summary

Judgment on the attorneys listed below on the date set forth below by the method(s) indicated:

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- First-class mail, postage prepaid
- Overnight courier, delivery prepaid
- E-mail copy per service agreement
- OJD EFILING SYSTEM, if registered at the party's email address as recorded on the date of service in the eFiling system, pursuant to UTCR 21.100.

Attorneys for Defendant The City of West Linn, Oregon

DATED: March 17, 2023.

/s/ Jacob A. Zahniser
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Attorneys for Plaintiff West Linn-Wilsonville
School District 3JT